



File No. S. Bel. 6/50

Legal Department

A BRANCH

Subject: Belgaum Suit

Shahapur C.S. No. 46 of 1947

Dr. D. K. Joshi — 8/60
vs.

Procurator of Bombay — Dele

P. 6 F

S. Belgaum 6/50

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C O N T E N T S.

Legal Department File No. S. Bel. 450

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Suits Belgaum.

Shahapur C.S.No. 46 of 1947.

Dr. D. K. Joshi plff

v/s

The State of B'bay.

Deft.

For recovery of Rs. 100/- being
the cost of medical treatment
given by the plff. to the deft.
and her husband in the year 1945.

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LETTER.

To -

The Memembrancer of Legal
Affairs, B. O. M. B. & Y.

Subject:- C.S.No.46-47 by Dr. Datta
K. Joshi.



No. L.A.W. 880

Belgaum, 25 February 1950.

Information under Rule 118(1) of the Law Officers Rules regarding Civil Suit No.46 of 47 of the Court of the Civil Judge, Junior Division, Shahapur, as under:-

- I. Civil Suit No. 46 of 47.
 - II. Filed against defendant No.1 only on 27-2-46.
 - III. 1. Dr. Datta K. Joshi of Shahapur. Plff.
Vs.
1. Banagammabai M.G.Rajgopal.
"Deceased by legal representative of Province of Bombay". Deft.
 - IV. Claim both for Court-fee and jurisdiction .. Rs.100/-
 - V. First date fixed for ~~hearing~~ filing written statement
Statement after adding Government of Bombay as legal representative of the deceased defendant was 3-1-1950.
 - VI. Notice of suit under Section 80 C.P.C. was not given to the Government.
3. The following papers are sent herewith as required by Rule 118(2) of the Law Officers Rules.

(a) A copy of the plaint in the Regional language, received from the Court.

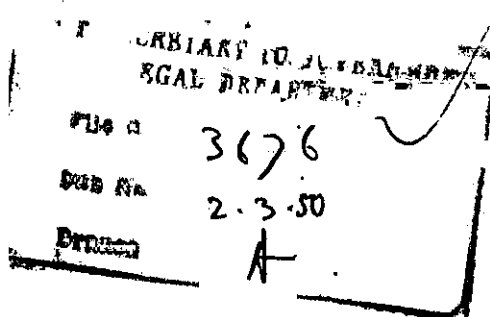
(b) A translation of the plaint in English.

(c) A full and detailed statement of the facts of the case proposing to settle the matter out of Court amicably as opined by the District Government Pleader, Belgaum.

(d) The papers of the case.

4. Instructions to settle the matter amicably with the plaintiff may be issued early.

For Collector of Belgaum.



Through the Commissioner, S.D., Belgaum, W.Rs.

✓ Advance copy submitted to the Memembrancer of
Legal Affairs, Bombay.

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Submitted for information.

This is a advance copy of
the collis report.

... Await. ~~collis~~ report from
the Commr. S.D.

[Handwritten initials and marks]
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In the Court of the Civil Judge,
at Shahapur.

1. Dr. Dattaram K. Joshi, age 38, }
caste Brahmin, Physician, } Plaintiff.
Shahapur. }

Vs.

1. Rangamabai M.G. Rajgopal, age }
35, caste Mudaliyar, Occupation } Defendant.
house-hold, Shahapur Khade- }
bazar. }

"Deceased by legal Representative
Province of Bombay" (Vide Ex.20).

Therein the plaintiff states as under:-

1. Deceased Mr. M.G.Rajgopal, who, was the husband of the Defendant, had taken treatment for himself and the defendant, from the plaintiff on credit. An amount of Rs.100-12-0 is due from him as bill for the treatment. As the Defendant had also taken the treatment, she is responsible for the payment of the bill and the property of the deceased M.G.Rajgopal.

2. Cause of action arose on 5-8-45 and 11-8-49 i.e. the dates when the Defendant and her husband stopped to take treatment respectively.

3. The Defendant is to pay as under:-

100-12-0 Amount of Bill No.1107, dated
1-1-46.

100-12-0
0-12-0 Remission.

100-00-0 Amount due.

4. The suit is valued for Court and jurisdiction at Rs.100/-

5. The treatment was given in the jurisdiction of this Court and the Defendant stays in the said jurisdiction. This Court is therefore competent to decide this suit.

6. Plaintiff prays that a decree be passed granting the Plaintiff an amount of Rs.100/- as stated in column 3 from the defendant as well as from the estate of the deceased M.G.Rajgopal

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that costs of the suit and future interest
be awarded. Dated 27-2-46.

Sd/-

#5-94

No. 4.18 of 1950.
Belgaum, 18th January 1950.

Returned with compliments to the Collector of
Belgaum.

2. This is a suit filed by a Doctor against his patient Rangammabai for recovery of his bill for the treatment given and medicine delivered to the patient, and to her deceased husband. Recovery was sought by a personal decree against Rangamma as well as by a decree against the estate of Rangammabai's husband, in the hands of Rangabai.

3. During pendency of the suit Rangammabai died intestate and without leaving any known heirs. Her property which consisted only of moveables was taken possession of by Police Patil and is even now retained by the Police Patil of Shahapur under orders of the Magistrate of Shahapur.

4. It was, therefore, it seems that the Government of Bombay was brought on record as a legal representative of the deceased defendant Rangammabai by Ex.20.

5. The questions that arise for consideration are:-

1. Whether the Doctor is entitled to his bill from out of the estate of the deceased or of her husband in the hands of the Government, and

2. If so, what is the amount due to the Doctor.

6. My answer is that the Doctor is entitled to a decree on a proof of his cause of action. The next question is, for how much? That is matter which requires *sub* proof of the dues claimed by the plaintiff. And hence the suit deserves to be defended. But it may be seen whether the claim can be settled out of Court amicably - the amount being very small.

Sd/-....

Dist. Govt. Pleader, Belgaum.

This suit was originally filed by Dr.D.K.Joshi of Shahapur against Shrimati Rangammabai widow of M.G. Rajgopal for recovery of Rs. 100/- being the cost of medical treatment given by the plaintiff to the defendant and her husband in the year 1945. During the pendency of the suit the defendant Shrimati Rangammabai died intestate without leaving any known heir, and all her property which consisted only of movables was taken into custody by the Police Patil of Shahapur under orders of the Magistrate of Shahapur. As the property has been taken over by Govt. Govt. has been brought on record as a legal representative.

2. The property left by the deceased is worth about Rs. 150 and it is still in charge of the Police Patil of Shahapur. The property seems to have been taken into custody in 1946-47, that is before ^{the} merger of the Sangli State; and in the circumstances, the suit would be defensible on the ground that the successor Govt. is not bound by the liabilities of the former Govt. ^{Secondly Shahapur Court has no jurisdiction to try the suit against Govt.} The Collr. of Belgaum is not, however, in favour of defending the suit. On the contrary he recommends that the suit should be settled amicably. The Commr., S.D. is also of the same opinion. He states that the amount is small and that besides the claim of the plaintiff is legal. He therefore recommends a settlement out of the Court.

vide pp.5-6 ante.

3. It does not appear necessary to defend ^{the suit} as both the Collr. and the Commr. are in favour of settling the claim amicably. The claim, however, need not be settled out of Court. The D.G.P. should appear on behalf of Govt. and inform the Court that Govt. have no objection to a decree being passed against the assets of the deceased in the hands of Govt. provided the plaintiff is able to give strict proof of his claim. The surplus, if any, remaining in the hands of Govt. after ~~it~~ satisfying the decree may be credited to Govt. as bona

vacantia.

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